

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD**

(THIS THE 19th DAY OF *January* 2010)

Hon'ble Mr. A.K. Gaur, Member (J)

Hon'ble Mr. D.C. Lakha Member (A)

Original Application No. 762 of 2007.

(U/S 19, Administrative Tribunal Act, 1985)

Syed Istyak Ali aged about 65 years, S/o late Ibney Ali,
Resident of Sotha Mohalla Badaun, District Badaun.

..... ***Applicant***

Versus

1. Union of India through Secretary, Ministry of
Communication Department of Post and Telegraph,
New Delhi.
2. Superintendent of Post Office, Badaun, District
Badaun.

..... ***Respondents***

Present for Applicant : Shri Vikas Budhwar

Present for Respondents : Shri Saurabh Srivastava

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Shri Vikas Budhwar, learned
counsel for the applicant and Sri Dharmendra Tiwari
holding brief of Shri Saurabh Srivastava, learned counsel
for the respondents.

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(Annexure A-2) passed by the respondents holding the period from 1.12.2000 to 23.4.2000 as dies non.

3. Shri Vikas Budhwar, learned counsel for the applicant has vehemently argued that the orders in question has been passed in utter violation of principle of natural justice and fair play and no show cause notice, or opportunity of hearing has been granted to the applicant to have his say in the matter.

4. Shri Vikas Budhwar, learned counsel for the applicant would contend that the Hon'ble Supreme Court in the case of ***Shiv Shanker and another Vs. Union of India and Ors. - AIR 1985 Supreme Court 514*** has clearly held that since the respondents have granted no opportunity of showing cause against proposed action to the concerned employee, the impugned order is liable to be quashed on the ground of non-observance of principles of natural justice.

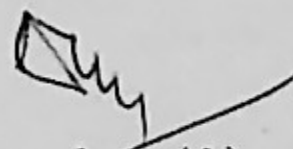
5. Learned counsel for the applicant would further contend that in a similar and identical matter, the judgment and order rendered by this Tribunal in ***O.A. No. 69 of 2003 - Kripa Shanker Srivastava Vs. Union of India and ors,*** allowing, the Original Application on the ground of violation of principle of natural justice was

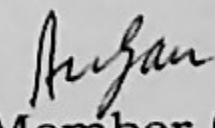
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challenged before Hon'ble High Court in Civil Misc. Writ Petition No. 27951 of 2003- Accountant General Audit -1, U.P Allahabad and Ors. Vs. Kripa Shanker Srivastava and another. A Division Bench of Hon'ble High Court, Allahabad has already upheld the decision rendered by the Tribunal and dismissed the writ petition.

6. Having given our thoughtful consideration to the pleas advanced by the parties counsel, we are satisfied that orders dated 28.8.2006 (Annexure A-1) and 12.6.2000 (Annexure A-II) have been passed in utter violation of principle of natural justice and no show cause notice or opportunity has been granted to the applicant before passing the orders in question.

7. In view of our aforesaid observations, the O.A. is allowed. The orders dated 28.8.2006 (Annexure A-1) and 12.6.2000 (Annexure A-2) are hereby quashed and set aside. No costs.


Member (A)


Member (J)

Manish/-